



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

ORIGINAL
(Red)

111465

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply Refer to: 3HW17

APR 12 1989

Mr. W. M. Vannoy, President
Babcock and Wilcox, Co.
1010 Common Street
New Orleans, LA 70161

Re: East Mt. Zion Landfill

Dear Mr. Vannoy:

The Environmental Protection Agency (EPA), by this letter, notifies you that Acco-Babcock, Inc. is potentially liable for contamination at the East Mt. Zion Landfill ("Site"). The East Mt. Zion Landfill, also known as Fetrow's Landfill, is located in Springettsbury Township, York County, Pennsylvania (see enclosure). Under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (October 17, 1986), (SARA), responsible parties include: 1) present owners or operators of a site; 2) owners or operators at the time of disposal; and/or 3) any person who arranged for disposal or treatment of hazardous substances to a site.

EPA has information indicating that Acco-Babcock's American Chain Division generated hazardous substances (see enclosure F) which were either transported to or disposed of at East Mt. Zion Landfill. You should also be aware that EPA has previously identified other Potentially Responsible Parties (PRPs) at the Site.

EPA has expended public funds to investigate releases of hazardous substances at East Mt. Zion Landfill. EPA might determine that additional actions are necessary to investigate and control these releases. Unless EPA determines that a PRP will properly perform such actions, EPA intends to do so pursuant to Section 104 of CERCLA and the National Contingency Plan (NCP), 40 C.F.R. Section 300.68.

AR200474

The Pennsylvania Department of Environmental Resources (PADER) is conducting the following studies at the East Mt. Zion Site:

1. Remedial Investigation (RI) - Further investigation to define the nature and extent of soil, air, surface water, ground water, and sediment contamination at the Site, and to identify the local hydrogeological characteristics and impact on biotic receptors at the Site and;
2. Feasibility Study (FS) - A study to evaluate potential remedial alternatives with emphasis on risk reduction through actions that utilize treatment to permanently and significantly reduce the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants. The FS also will address (1) the design and implementation of any EPA approved remedial alternative and (2) the operation and maintenance necessary after remedial measures are completed.

Under Section 106(a) and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (October 17, 1986), (SARA), responsible parties may be obligated to implement any needed relief actions as determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release of hazardous substances at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site, and enforcement. If a response action is deemed necessary, an agreement to perform or fund all or part of the response action will be embodied in a Consent Decree under Section 104 or 106 of CERCLA. You should be aware that once a site is placed on the NPL, it cannot be delisted until after an RI/FS has been completed and the necessary remedial work, if any, has been concluded in accordance with the RI/FS guidance and EPA's National Contingency Plan.

EPA would like to encourage good faith negotiations between your company and the Agency and among your company and the other parties potentially responsible for the East Mt. Zion landfill. To facilitate these negotiations, the names of the other potentially responsible parties have been revealed to you in the enclosed PRP list. The Agency requests that you schedule meaningful discussions with the other potentially responsible parties regarding all issues pertinent to the Site and quickly organize yourselves into a single representative body to facilitate negotiations with the Agency.

AR200475

ORIGINAL
(Red)

-3-

EPA further requests your participation in an informational status meeting in April, 1989. If you should decide to participate in such a meeting you should indicate your interest in a letter to the EPA official identified below within twenty-one calendar days of receipt of this letter. Your letter should indicate the appropriate name, address and telephone number for further contact with Acco-Babcock.

Your response should be addressed to:

Terry Stilman
SARA Special Sites Section (3HW17)
U.S. Environmental Protection Agency
Region III
841 Chestnut Bldg.
Philadelphia, PA 19107

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as a final Agency position on any matter set forth herein.

If you have any questions regarding the foregoing, please contact Mr. Terry Stilman at (215) 597-0984. Legal questions can be referred to Joseph J. C. Donovan at (215) 597-0427.

Thank you for your cooperation in this matter.

Sincerely,


Thomas C. Voltaggio, Acting Director
Hazardous Waste Management Division

Enclosures: PRP List
Location Map
Enclosure F

cc: Bruce Diamond
OWPE

Suzanne Canning
ORC (3RC00)

PADER

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AR200477

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AR200478

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ORIGINAL
(Red)

-3-

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Sincerely,

Thomas C. Voltaggio, Acting Director
Hazardous Waste Management Division

Enclosures: PRP List
Location Map
Enclosure F

cc: Bruce Diamond
OWPE

Suzanne Canning

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|---------------------------------|---------|---------|---------|---------|---------|---------|---------|-----------|--------------|--|
| TSTILMAN: CSTILMAN: 3HW17/28/89 | | | | | | | | | CONCURRENCES | |
| SYMBOL | 3HW17 | 3HW17 | 3RC23 | 3HW10 | 3HW10 | 3HW01 | 3HW00 | 3HW00 | | |
| SURNAME | STILMAN | WOLPER | DONOVAN | SCHAUL | SMITH | BREGMAN | FERDAS | VOLTAGGIO | | |
| DATE | 3/28/89 | 3/28/89 | 3/28/89 | 3/28/89 | 3/28/89 | 3/28/89 | 3/28/89 | 3/28/89 | | |

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY

*U.S.GPO:1988-0-206-471

ORIGINAL
(Red)

PRP List for East Mt. Zion Landfill
National Priorities List Site

Mr. W. M. Vannoy, President
Babcock and Wilcox, Co.
1010 Common Street
New Orleans, LA 70161

Mr. Edman D. Miller
R.D. #3
York, PA 17405

Mr. Phillip B. Rooney, President
Waste Management, Inc.
3003 Butterfield Road
Oak Brook, IL 60521

William E. and Nancy M. Sacra
137 South Queen Street
York, PA

Ridge Developers, Inc.
R.D. #1 - Box 415
Wrightsville, PA 17368

Mr. P. P. Donis, President
Caterpillar, Inc.
100 N. E. Adams Street
Peoria, IL 61629

Mr. Russell L. Want, Jr.
633 South George Street
York, PA 17403

Mr. Robert W. Shearer, President
York Shipley, Inc.
693 N. Hill Road
York, PA 17405

Mr. Charles Fetrow and Sons
R.D. #2
Dover, PA

Molycorp, Inc.
350 N. Sherman Street
York, PA 17403

Mr. E. D. Hafer, President
Metropolitan Edison Company
P. O. Box 542
Reading, PA 19640

AR200480

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery
 †(Extra charge)† †(Extra charge)†

| | |
|--|---|
| 3. Article Addressed to: Mr. W. M. Vannoy, President Babcock and Wilcox 1010 Common Street New Orleans, LA 70161 | 4. Article Number P-616-611-264 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. |
| 5. Signature — Addressee X <i>W</i> | 8. Addressee's Address (ONLY if requested and fee paid) |
| 6. Signature — Agent X <i>Steven Jomins</i> | |
| 7. Date of Delivery APR 17 1989 | |

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 **AR200181** **POSTAGE RETURN RECEIPT**

P-616 611 264

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

| | |
|---|--------------|
| Sent Mr. W. M. Vannoy, President | |
| Street and No. Babcock and Wilcox, CO. | |
| P.O., State and ZIP Code 1010 Common St. | |
| Postage New Orleans, LA | 70161 |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | \$ |
| Postmark or Date AR200482 | |